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EXAMINER

ORTIZ, BELIX M

ART UNIT PAPER NUMBER

2175

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/047,866

Applicant(s)

SCHUMACHER, MICHAEL K.

Examiner

Belix M. Ortiz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-10,19-26,28 and 30 is/are rejected.
- 7) ☒ Claim(s) 2-3, 11-18, 27, 29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4-10, 19-21, 23, 28 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Wheeler et al. (U.S. pub. 2002/0055932).

As to claim 1, Wheeler et al. teaches a method of managing information for a plurality of computers in a distributed network (see page 1, paragraphs 2 and 3; and page 4, paragraph 37) comprising the steps of:

(A) collecting original data related to each computer and storing the original data in a respective database (see page 3, paragraph 21);

(B) generating an index table including index data for each computer wherein the index data is configured (i) to identify at least a portion of the contents of the original data stored in the database, and (ii) to facilitate access to the databases over the distributed network (see page 2, paragraph 18 and page 3, paragraph 21);

(C) scanning at least one of the index tables to select databases that match a user query (see page 3, paragraph 20; page 4, paragraph 37; and page 6, paragraph 59);

(D) accessing the selected databases to retrieve original data and generate an output therefrom (see page 3, paragraph 21).

As to claim 4, Wheeler et al. teaches the method further comprising the step of:

producing a summarized data table for the computers (see page 4, paragraph 39).

As to claim 5, Wheeler et al. teaches wherein said plurality of computers are organized in a tree-style hierarchy, the step of producing the summarized data table (see figure 2 and page 4, paragraph 25) includes the substep of:

condensing original data from databases that are lower in the hierarchy to produce the summarized data and passing the summarized data upstream to databases for storage therein (see page 5, paragraph 47).

As to claim 6, Wheeler et al. teaches wherein said steps of scanning and accessing define a first mode of operation, said method further comprising the step of accessing a summarized data table at a base level in the hierarchy

having the summarized data thereby avoiding access to one or more databases lower in the hierarchy (see page 5, paragraph 49).

As to claim 7, Wheeler et al. teaches wherein the summarized data table comprises at least one of application resource information or application usage information (see figure 3 and page 5, paragraph 51).

As to claim 8, Wheeler et al. teaches an apparatus for managing information for computers in a distributed network (see page 1, paragraph 2 and 3; and page 4, paragraph 37) comprising:

a collection agent associated with each of a plurality of computers configured to acquire and store original data in a respective storage databases (see page 3, paragraph 21);

at least one condensing agent for condensing paid original data into index data, said index data configured (i) to identify at least a portion of the contents of said original data, and (ii) to facilitate access to said storage databases over the distributed network (see page 2, paragraph 18 and page 3, paragraph 21);

a base database including said index data (see page 4, paragraph 38 and page 11, claim 22);

a console module configured to select storage databases for access thereto responsive to a user query for said contents, said console being further

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operative to use said index data to access said selected storage databases, retrieve original data, and generate an output (see page 3, paragraphs 20 and 21; page 4, paragraph 37; and page 6, paragraph 59).

As to claim 9, Wheeler et al. teaches wherein said plurality of computers are arranged in a logical tree style hierarchy wherein said console module is configured to execute on a head end of said hierarchy, a remainder of said computers populating a subtree of said hierarchy at a plurality of levels (see page 5, paragraph 47; page 8, paragraph 74; and page 9, paragraph 85).

As to claim 10, Wheeler et al. teaches wherein said original data in said storage databases comprises information relating to at least one of systems, disks, networks, application programs, and users associated with a respective one of said plurality of computers (see page 10, paragraphs 95 and 96).

As to claim 19, Wheeler et al. teaches an apparatus for managing information for computers in a distributed network (see page 1, paragraphs 2 and 3 and page 4, paragraph 37) comprising:

a first database configured to store original data related to a first computer (see page 3, paragraph 21);

a condensing agent coupled to said first database and configured to

generate summarized data based on said original data (see page 5, paragraph 47);

a base database having a first portion configured to store said summarized data and a second portion configured to store index data comprising at connection information of said first database (see page 5, paragraph 49); and

a console module coupled to said base database and configured for operation in (i) a first mode to generate a first output based on said summarized data and (ii) a second mode wherein said console module uses said connection information in said index data to facilitate access to said first database to generate a second output (see page 3, paragraphs 20 and 21; page 4, paragraph 37; and page 6, paragraph 59).

As to claim 20, Wheeler et al. teaches The apparatus of claim 19 further comprising a data collection agent for acquiring and storing said original data in said first database (see page 3, paragraph 21).

As to claim 21, Wheeler et al. teaches wherein said first database is local to said first computer (see page 8, paragraph 74).

As to claim 23, Wheeler et al. teaches wherein said data collection agent is configured to acquire said original data relating to at least one of a system, a

disk, a network interface, an application program and a user associated with said first computer (see page 10, paragraph 95).

As to claim 28, Wheeler et al. teaches wherein a plurality of application programs are executed on said first computer by a user, said application table comprising a corresponding plurality of records, one for each application program and system combination, each record having; summarized data comprising statistical information regarding such use of said application programs (see page 10, paragraph 95).

As to claim 30, Wheeler et al. teaches The apparatus of claim 24 further including a plurality of computers arranged in a tree style hierarchy, wherein application tables included in databases associated with each computer in said hierarchy are condensed and transmitted, level-by-level, to databases upstream in said hierarchy (see figure 2; page 4, paragraph 25; and page 5, paragraph 47).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



4. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler et al. (U.S. pub. 2002/0055932) in view of Hobbs (U.S. patent 5,987,454).

As to claim 22, Wheeler et al. does not teach wherein said first database is remote from said first computer, said first database comprising a portion of a client-server database.

Hobbs teaches method and apparatus for selectively augmenting retrieved text information from the network (see abstract), in which he teaches wherein said first database is remote from said first computer, said first database comprising a portion of a client-server database (see column 1, lines 12-31).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Wheeler et al., to include wherein said first database is remote from said first computer, said first database comprising a portion of a client-server database.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Wheeler et al. by the teaching of Hobbs, because wherein said first database is remote from said first computer, said first database comprising a portion of a client-server database, would enable the apparatus to retrieve, wherein optimum record is retrieved from a database (see Hobbs, column 1, lines 14-17).

5. Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler et al. (U.S. pub. 2002/0055932) in view of Perkins, III (U.S. patent 6,396,913).

As to claim 24, Wheeler et al. does not teach wherein said first portion of said base database comprises an application table having information relating to usage of application programs.

Perkins, III teaches system and method for processing call detail records (see abstract), in which he teaches wherein said first portion of said base database comprises an application table having information relating to usage of application programs (see column 3, lines 4-10).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Wheeler et al., to include wherein said first portion of said base database comprises an application table having information relating to usage of application programs.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Wheeler et al. by the teaching of Perkins, III, because wherein said first portion of said base database comprises an application table having information relating to usage of application programs, would enable the apparatus to know which records apply to them and it is updated to indicate that a new file is ready for processing (see Perkins, III, column 3, lines 7-10).

As to claim 25, Wheeler et al. as modified teaches wherein said summarized data comprises statistical information relating to said usage of application programs (see Perkins, III, column 3, lines 4-10).

As to claim 26, Wheeler et al. as modified teaches wherein said application table, for each user executing an application program on said first computer, includes a respective record containing summarized data indicative of such application program usage (see Perkins, III, column 3, lines 4-10).

***Allowable Subject Matter***

6. Claims 2-3, 11-18, 27, and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record, Wheeler et al. (U.S. publication No. 002/0055932), Perkins, III (U.S. patent No. 6,396,913), and Hobbs (U.S. patent No. 5,987,454), do not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claim):

wherein said step of generating an index table includes the substeps of:

producing records in the table characterized by a record type selected from the group comprising a database name, a system name, a disk name, a network interface name and a user name; and

producing connection information for each database to facilitate access thereto over the distributed network, as claimed in claim 2.

Claim 3 is objected to as being dependent from the objected to dependent claim 2.

The prior art of record, Wheeler et al. (U.S. publication No. 002/0055932), Perkins, III (U.S patent No. 6,396,913), and Hobbs (U.S. patent 5,987,454), do not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claim):

wherein said base database includes an index table having a plurality of records containing said index data, each record being characterized by a record type selected from the group comprising a storage database name, a system name, a disk name, a network interface name and a user name, as claimed in claim 11.

Claims 12-18 are objected to as being dependent from the objected to dependent claim 11.

The prior art of record, Wheeler et al. (U.S. publication No. 002/0055932), Perkins, III (U.S patent No. 6,396,913), and Hobbs (U.S. patent 5,987,454), do not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claim):

wherein a plurality of application programs are executed on said first computer by a user, said application table comprising a corresponding plurality of records, one for each application program and user combination, each record having summarized data comprising statistical information regarding such use of said application programs, as claimed in claim 27.

Claim 29 is objected to as being dependent from the objected to dependent claim 27.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Belix M. Ortiz whose telephone number is 703-305-7605. The examiner can normally be reached on moday-friday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

bmo

April 28, 2004.



**SAM RIMELL**  
**PRIMARY EXAMINER**